

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OWEN HARTY,

Plaintiff,

v.

ROEDEL PARTNERS OF MT. KISCO, LLC
et al.,

Defendants.

No. 19-CV-9464 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Owen Harty (“Plaintiff”) brings this Action pursuant to the Americans with Disabilities Act (the “ADA”), 42 U.S.C. § 12131, *et seq.* and the New York State Human Rights Law, N.Y. Exec. § 296(2)(a) against Roedel Partners of Mt. Kisco, LLC and Roedel Partners of Mt. Kisco II, LLC (together “Defendants.”) Plaintiff, a self-proclaimed ADA tester, visited third-party websites which provide the ability to book rooms at the Holiday Inn Mt. Kisco owned and operated by Defendants and found that these websites were not compliant with the ADA. (*See* Compl. (Dkt. No. 1).) Plaintiff seeks injunctive relief and attorney’s fees, litigation expenses, and costs under the ADA. (*See id.*) Before the Court is Plaintiff’s Motion for Summary Judgment and Defendants’ Cross Motion for Summary Judgment (the “Motions.”) (*See* Dkt. Nos. 35, 38.) The Court dismisses the Motions without prejudice to be renewed once the Second Circuit rules on *Harty v. West Point Realty, Inc.*, No. 20-2672. The Parties should address that decision in their renewed papers.

The Clerk of the Court is respectfully requested to terminate the pending Motions. (Dkt. Nos. 35, 38.)

SO ORDERED.

Dated: September 15, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is positioned above a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE